

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. ; I.D. 042406A]

RIN 0648-AT34

Fisheries Off West Coast States; West Coast Salmon Fisheries; 2006 Management Measures and a Temporary Rule

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; and a temporary rule for emergency action; request for comments.

SUMMARY: NMFS establishes fishery management measures for the 2006 ocean salmon fisheries off Washington, Oregon, and California and the 2007 salmon seasons opening earlier than May 1, 2007. The temporary rule for emergency action, under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), implements the 2006 annual management measures for the west coast ocean salmon fisheries for the area from Cape Falcon, OR, to Point Sur, CA, from May 1 to August 31, 2006. The emergency rule is required because Klamath River fall Chinook (KRFC) are projected to not meet their conservation objective, or escapement floor, of 35,000 adult natural spawners established in the Pacific Coast Salmon Fishery Management Plan (Salmon FMP). Specific fishery management measures vary by fishery and by area. The measures establish fishing areas, seasons, quotas, legal gear, recreational fishing days and catch limits, possession and landing restrictions, and

minimum lengths for salmon taken in the U.S. exclusive economic zone (EEZ)(3-200 nm) off Washington, Oregon, and California. The management measures are intended to prevent overfishing and to apportion the ocean harvest equitably among treaty Indian, non-treaty commercial, and recreational fisheries. The measures are also intended to allow a portion of the salmon runs to escape the ocean fisheries in order to provide for spawning escapement and to provide for inside fisheries (fisheries occurring in state internal waters).

DATES: Amendments to 50 CFR 660.410(a), (b)(1), (b)(4), and (d) that implement the management measures from Cape Falcon, Oregon to Pt. Sur, California from May through August are effective from 0001 hours Pacific daylight time, May 1, 2006, through 2359 hours Pacific daylight time, August 31, 2006. The remaining uncoded management measures, including the measures that apply from Cape Falcon to Pt. Sur beginning September 1, 2006, are effective from 0001 hours Pacific Daylight Time, May 1, 2006, until the effective date of the 2007 management measures, as published in the Federal Register.

Comments must be received by [insert date 15 days after date of publication in the FEDERAL REGISTER].

ADDRESSES: Comments on the management measures and the related environmental assessment (EA) may be sent to D. Robert Lohn, Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way N.E., Seattle, WA 98115-0070, fax: 206-526-6376; or to Rod McInnis, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213, fax: 562-980-4018. Comments can also be submitted via e-mail at the

2006oceansalmonregs.nwr@noaa.gov address, or through the internet at the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments, and include "RIN 0648-AT34" in the subject line of the message.

Copies of the FONSI and its supporting EA and other documents cited in this document are available from Dr. Donald O. McIsaac, Executive Director, Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220-1384, and are posted on its website www.pcouncil.org.

Send comments regarding the reporting burden estimate or any other aspect of the collection-of-information requirements in these management measures, including suggestions for reducing the burden, to one of the NMFS addresses listed above and to David Rostker, Office of Management and Budget (OMB), by email at

David_Rostker@omb.eop.gov, or by facsimile (fax) at (202) 395-7285

FOR FURTHER INFORMATION CONTACT: Frank Lockhart at 206-526-6140, or Mark Helvey at 562-980-4040.

SUPPLEMENTARY INFORMATION:

Background

The ocean salmon fisheries in the EEZ off Washington, Oregon, and California are managed under a "framework" fishery management plan entitled the Salmon FMP. Regulations at 50 CFR part 660, subpart H, provide the mechanism for making preseason and inseason adjustments to the management measures, within limits set by the Salmon FMP, by notification in the Federal Register.

These management measures for the 2006 and pre-May 2007 ocean salmon fisheries were recommended by the Pacific Fishery Management Council (Council) at

its April 3 to 7, 2006, meeting.

Schedule Used to Establish 2006 Management Measures

The Council announced its annual preseason management process for the 2006 ocean salmon fisheries in the Federal Register on December 28, 2005 (70 FR 76783). This notice announced the availability of Council documents as well as the dates and locations of Council meetings and public hearings comprising the Council's complete schedule of events for determining the annual proposed and final modifications to ocean salmon fishery management measures. The agendas for the March and April Council meetings were published in subsequent Federal Register documents prior to the actual meetings.

In accordance with the Salmon FMP, the Council's Salmon Technical Team (STT) and staff economist prepared a series of reports for the Council, its advisors, and the public. The first of the reports was prepared in February when the scientific information first necessary for crafting management measures for the 2006 and pre-May 2007 ocean salmon fishery became available. The first report, "Review of 2005 Ocean Salmon Fisheries" (REVIEW), summarizes biological and socio-economic data for the 2005 ocean salmon fisheries and assesses how well the Council's 2005 management objectives were met. The second report, "Preseason Report I Stock Abundance Analysis for 2006 Ocean Salmon Fisheries" (PRE I), provides the 2006 salmon stock abundance projections and analyzes the impacts on the stocks and Council management goals if the 2005 regulations and regulatory procedures were applied to the projected 2006 stock abundances. The completion of PRE I is the initial step in evaluating the full suite of preseason options.

The Council met in Seattle, WA, from March 6 to 10, 2006, to develop 2006 management options. The Council proposed three options of commercial and recreational fisheries management for analysis and public comment. These options consisted of various combinations of management measures designed to protect weak stocks of coho and Chinook salmon and to provide for ocean harvests of more abundant stocks. After the March Council meeting, the Council's STT and staff economist prepared a third report, "Preseason Report II Analysis of Proposed Regulatory Options for 2006 Ocean Salmon Fisheries," which analyzes the effects of the proposed 2006 management options. This report was made available to the Council, its advisors, and the public.

Public hearings, sponsored by the Council, to receive testimony on the proposed options were held on: March 27, 2006, in Westport, WA, and Coos Bay, OR; and March 28, 2006, in Santa Rosa, CA. The States of Washington, Oregon, and California sponsored meetings in various forums that also collected public testimony, which was then presented to the Council by each state's Council representative. The Council also received public testimony at both the March and April meetings and received written comments at the Council office.

The Council met from April 3 to 7, 2006, in Sacramento, CA, to take additional public comment and to adopt its final 2006 recommendations. Following the April Council meeting, the Council's STT and staff economist prepared a fourth report, "Preseason Report III Analysis of Council-Adopted Management Measures for 2006 Ocean Salmon Fisheries," which analyzes the environmental and socio-economic effects of the Council's final recommendations. This report was also made available to

the Council, its advisors, and the public. After the Council took final action on the annual ocean salmon specifications in April, it published the recommended management measures in its newsletter and also posted them on the Council website www.pcouncil.org.

Resource Status

Since 1989, NMFS has listed under the Endangered Species Act (ESA) 27 evolutionarily significant units (ESUs) of salmonids on the west coast. As the listings have occurred, NMFS has conducted formal ESA section 7 consultations and issued biological opinions, and made determinations under section 4(d) of the ESA, that consider the impacts to listed salmonid species resulting from proposed implementation of the Salmon FMP, or in some cases, from proposed implementation of the annual management measures. Associated with the biological opinions are incidental take statements which specify the level of take that is expected. Some of the biological opinions have concluded that implementation of the Salmon FMP is not likely to jeopardize the continued existence of certain listed ESUs and provided incidental take statements. Other biological opinions have found the Salmon FMP is likely to jeopardize certain listed ESUs and have identified reasonable and prudent alternatives (RPA) or consultation standards that would avoid the likelihood of jeopardizing the continued existence of the ESU under consideration, and provided an incidental take statement for the reasonable and prudent alternative. In a March 6, 2006, letter to the Council, NMFS provided the Council with ESA consultation standards and guidance for the management of stocks listed under the ESA in preparation for the 2006 management season in order to ensure that the Council recommendations comply with

the ESA.

Estimates of the 2006 spawning escapements for key stocks managed under the Salmon FMP and preseason estimates of 2006 ocean abundance are provided in the Council's REVIEW and PRE I documents. The primary resource and management concerns are for salmon stocks listed under the ESA. However, this year KRFC are also a concern as explained below.

Lower Columbia River (LCR) coho were listed as threatened under the ESA on June 28, 2005 (70 FR 37160). As a result, this is the first year that LCR coho have been the subject of a section 7 consultation during the Council's preseason planning process. As a consequence of this consultation, the Council and associated state agencies made substantial changes in past management practice. Previously, ocean harvest impacts to LCR coho were estimated using Oregon Coast Natural (OCN) coho as a surrogate. In 2006, model procedures were changed to rely instead on LCR early- and late-timing hatchery stocks. In prior years, ocean fisheries were also managed using a harvest matrix that specified an allowable harvest rate depending on indicators of brood year escapement and survival. Given the circumstances in 2006, the harvest matrix would have allowed an OCN harvest rate of 15 percent and an in-river harvest rate of 7.5 percent. Because of uncertainties related to the status of LCR coho, and pending review and development of a more comprehensive long-term management strategy, NMFS guidance was to manage Council area fisheries and those in mainstem Columbia River subject to a total exploitation rate of 15 percent or less. As a consequence of this guidance, the 2006 ocean fisheries are expected to have an exploitation rate of 9.9 percent. This represents a 33 percent reduction in harvest

impacts from what would have been allowed under the prior harvest matrix.

These ESA related changes in assessment methods and harvest limits substantially reduced harvest opportunity in fisheries north of Cape Falcon, OR. The coho quota for the area north of Cape Falcon in 2006 is 117,500 fish compared to a quota of 195,000 in 2005.

NMFS also consulted previously on LCR Chinook. The indicator stock for the tule component of the LCR Chinook ESU is from the Coweeman River. NMFS guidance for the Coweeman tule fall Chinook is to limit the combined impact of all fisheries to a 49 percent brood year exploitation rate. As a consequence of a post season review by the NMFS' Northwest Fisheries Science Center in 2005, it became apparent that actual exploitation rates in recent years had been higher than 49 percent, averaged on the order of 60 percent. In response, the Council's STT made changes in the methods for modeling harvest to correct for the apparent bias in preseason estimates. These changes resulted in the need for conservative management and also placed new constraints on fisheries north of Cape Falcon. The expected exploitation rates associated with the fisheries in 2006 on Coweeman, and other fisheries where tule fall Chinook are caught, is 47.2 percent.

An additional factor compounding the 2006 salmon management process was the unexpectedly high age-4 contact rates of KRFC in various fisheries along the Pacific Coast and the implications for conservation measures linked to threatened California Coastal Chinook (CCC). The 2000 CCC biological opinion, as amended in 2002, established an RPA that requires the Pacific ocean salmon fisheries to be managed to a pre-season projected KRFC age-4 harvest rate of 16 percent or less. This KRFC age-4

harvest rate is used as a proxy for the protection of listed CCC. The Klamath Ocean Harvest Model (KOHM) substantially underestimated the age-4 ocean harvest rate for KRFC the last three years. In 2003, 2004, and 2005 the projected pre-season harvest rates were 16 percent, 15 percent, and 7.7 percent, respectively, but the actual post-season harvest rate estimates were 23 percent, 52 percent, and 23.9 percent.

NMFS, Southwest Region (SWR), reinitiated consultation on the 2000 CCC biological opinion in 2005 that included an analytical review of the KOHM by the Council's STT and a detailed description of the events and dynamics surrounding the 2003 and 2004 ocean salmon seasons. The consultation was completed on June 13, 2005. The 2005 consultation concluded that the jeopardy determination made in the 2000 opinion was still appropriate and placed additional requirements on NMFS to implement parts 1 and 2 of the RPA. The first requirement stipulated that if the KOHM were to substantially under-predict the age-4 harvest rate again in 2005, that NMFS, in cooperation with the Council and STT would modify the KOHM to more heavily weight data observed in recent years. Since the 2005 post-season estimate was approximately three times the pre-season projection, the STT modified the KOHM to more accurately represent recent trends in effort and contact rate per unit effort. These changes to the model provide a more conservative approach for age-4 KRFC harvest rate estimation. The second requirement was to initiate a study to determine the feasibility of characterizing the ocean catch and distribution of CCC relative to other stocks using Genetic Stock Identification techniques. Work on the feasibility study is underway and the SWR is engaged in planning for implementation of the study in

cooperation with NMFS' Southwest Fisheries Science Center and other relevant state and Federal agencies. These two actions fulfill the requirements of the 2005 consultation. Because of constraints explained below related to KRFC, the projected age-4 harvest rate for KRFC is estimated to be 11.5 percent, which is below the 16 percent pre-season age-4 harvest rate target. Considering this projection was made with a more conservative KOHM than was used in the past and additional restrictions on the commercial salmon fishery (e.g., a limit of 75 Chinook or fewer per week per vessel) are being implemented, the fishery is being managed in compliance with the requirements of the biological opinion. Therefore, the 2000 CCC biological opinion (and the ITS) still provides the necessary ESA take exemption for the 2006 ocean salmon fisheries.

Snake River fall Chinook are listed under the ESA as a threatened species. Direct information on the stock's ocean distribution and on fishery impacts is not available. Fishery impacts on Snake River fall Chinook are evaluated using the Lyons Ferry Hatchery stock as an indicator. The Lyons Ferry stock is widely distributed and harvested by ocean fisheries from southern California to Alaska. NMFS' ESA consultation standard requires that Council fisheries be managed to ensure that the Adult Equivalent (AEQ) exploitation rate on age-3 and age-4 adults for the combined Southeast Alaska, Canadian, and Council fisheries is not greater than 70 percent of that observed during the 1988-1993 base period. The 2006 fisheries, combined with expected impacts in Southeast Alaska and Canada fisheries, have an estimated age 3/4 AEQ exploitation rate that is 64.1 percent of that observed during the 1988-1993 base period. Meeting the Snake River fall Chinook age 3/4 AEQ exploitation rate was not a

primary constraint on fisheries north of Cape Falcon.

This is the seventh year that NMFS provided guidance to the Council related to the Puget Sound Chinook ESU. NMFS' guidance for Puget Sound Chinook stocks is expressed in terms of total or southern U.S. fishery exploitation rate ceilings, or terminal escapement objectives. Under the current management structure, Council fisheries are included as part of the suite of fisheries that comprise the fishing regime negotiated each year by the co-managers under U.S. v. Washington, Civ. N. 70-9213 (W.D. Wash.) to meet management objectives for Puget Sound and Washington Coastal salmon stocks. Because these management objectives and the management planning structure address fisheries wherever they occur, Council and Puget Sound fisheries are interconnected. Therefore, in adopting its regulations, the Council recommends fisheries in the ocean that when combined with Puget Sound fisheries meet conservation objectives under Limit 6 of the 4(d) Rule. NMFS estimated that the exploitation rates from Council-managed fisheries on Puget Sound Chinook populations will range from zero to seven percent. Management actions taken to meet exploitation rate and escapement targets will, therefore, occur primarily in the Puget Sound fisheries, but the nature of the existing process is such that ocean fishery impacts must be accounted for as part of meeting comprehensive harvest management objectives.

In March 2005, NMFS approved fishing activities conducted in accordance with the harvest component of the Comprehensive Management Plan for Puget Sound Chinook, a Resource Management Plan (RMP) submitted by the Washington Department of Fish and Wildlife and the Puget Sound Treaty tribes under Limit 6 of the ESA 4(d) rule. The terms of the RMP have also been incorporated into the Draft Puget

Sound Salmon Recovery Plan currently out for public review and comment. The take limit for fisheries implemented under the terms of the RMP apply to the 2005-2009 fishing years (May 1, 2005 through April 30, 2010). The RMP management approach consists of a two tiered harvest regime (normal and minimum), depending on stock status. The harvest objectives in the RMP are a mixture of total and southern U.S. exploitation rates (termed in the RMP - Rebuilding Exploitation Rates or RERs) and escapement goals. Under conditions of normal abundance, the RERs and escapement goals apply. However, when a particular management unit is 1) not expected to meet its low abundance threshold, or, 2) if the total exploitation rate is projected to exceed its RER under a proposed set of fisheries, the co-managers will constrain their fisheries such that either the RER is not exceeded, or the Critical Exploitation Rate Ceiling is not exceeded. The Council's proposed fisheries, in addition to anticipated inside fisheries, are consistent with the consultation standards for all of the Puget Sound indicator stocks.

Sacramento River winter Chinook are listed as endangered under the ESA. The Council's recommended management measures meet NMFS's requirements for the stock established through the ESA section 7 consultation process.

Southern resident killer whales were recently listed as endangered under the ESA effective February 16, 2006. NMFS has initiated a Section 7 consultation regarding the effects of Council salmon fisheries on southern resident killer whales. NMFS expects to complete a ESA section 7 consultation by June 2006. In the event that the review suggests that further constraints in the 2006 fisheries are necessary, appropriate corrections will be made by NMFS through inseason action.

Emergency Rule

The Council's final recommendation for the ocean salmon fishery seasons that commence May 1st deviates from the Salmon FMP specifically in regard to meeting the conservation objective, or escapement floor, of 35,000 adult natural KRFC spawners. Under this circumstance, implementation of an Emergency Action under Magnuson-Stevens Act authority at §305(c)(2)(B) is necessary to modify the conservation objective in the Salmon FMP in order to implement the Council's proposal. The Temporary Rule for Emergency Action applies to the area from Cape Falcon, OR, to Point Sur, CA. These regulations close a majority of the commercial fisheries and greatly reduce the recreational fisheries in this area off Oregon and California from May 1 through August 31, 2006.

The conservation objective for KRFC in the Salmon FMP requires a return of 33-34 percent of potential adult natural spawners, but no fewer than 35,000 naturally spawning adults, in any one year. The preseason forecast for KRFC for 2006 is close to the record low, although actual run sizes have been lower in several prior years. Preseason estimates indicate that, if the ocean fishery was closed from January through August 2006, between Cape Falcon, OR, and Point Sur, CA (near Monterey), and assuming the tribes catch their allocation of fish in the river, the expected number of natural area adult spawners would be 25,400. Under the Salmon FMP, a "conservation alert" is triggered when a stock is projected to fall below its conservation objective. Under such circumstances the Council is required to close salmon fisheries within Council jurisdiction that impact the stock. Over 99 percent of KRFC are caught with other salmon stocks, including more abundant Central Valley fall-run Chinook, in

commercial and recreational fisheries in the Klamath impact area from Cape Falcon to Point Sur. Because annual management measures must meet the Salmon FMP conservation objectives of all the key stocks, fishing seasons are usually limited by the necessity of meeting the requirements for the least abundant stock. The area that would be closed pursuant to the Salmon FMP would therefore include most of the Oregon coast and the northern half of California where KRFC are harvested at their highest rate. Given the circumstances, any fishing in the closed area would have to be approved by emergency rule to modify the Salmon FMP.

The process for setting this year's management measures was very controversial given the proposed reductions in fishing opportunities and potential closures. At both the March and April meetings, and the coastwide public hearings, there was a significant increase in participation and comments from the various fishing sectors regarding the proposed 2006 management measures. The majority of the comments expressed great concern that elimination of the ocean fisheries that impact KRFC would cause severe economic hardship to coastal communities from central California to central Oregon. Fishermen in these ports would have to forgo the opportunity to harvest other, stronger stocks of Chinook to preserve relatively few KRFC. Those testifying also spoke at length regarding concerns for the demise of the infrastructure that supports the fishing industry and thus the long-term consequences of a fishery closure or severe cutback in 2006. The Council, in trying to address the conservation concerns for KRFC while mitigating the adverse economic and social consequences, voted 13-1 to approve their final proposal which allows limited ocean fisheries that impact KRFC.

For NMFS, the key question in considering whether to approve the emergency rule was whether the proposed fisheries would jeopardize the capacity of the fishery to produce maximum sustained yield on a continuing basis. The NMFS Science Center report requested by NMFS focused on this question. The Council's Scientific and Statistical Committee provided comments and additional analysis to the Council on the Science Center report. The Council's STT also addressed questions related to the risks associated with low spawning escapement. The science advisory bodies all expressed concern about the risks related to the current circumstances, and contributing sources of uncertainty. However, although the advisors made the general point that reduced escapement increased the risk of depressing future production, they were unable to identify a particular point of elevated concern between Option III and an escapement level of approximately 20,000 natural spawners.

During its deliberations NMFS considered several factors that helped mitigate the qualitative perception of risk. Among these was a risk analysis included in the Science Centers' report that considered the probability that a very low recruitment would result from various levels of escapement that may occur in 2006. The magnitude of the probabilities varied greatly depending on the assumptions. But the results indicated that there was relatively little change in risk for the range of escapements between the no fishing option with an associated expected escapement of 25,400, and the expected escapement of 21,100 associated with the proposed season. Based on this analysis and other factors considered NMFS concluded that the marginal decrease in escapement that will result from the Council's proposed fisheries does not jeopardize the capacity of the fishery to produce maximum sustained yield on a continuing basis.

NMFS further concluded that the limited fisheries in the Klamath impact area proposed for 2006 address the conservation concerns for KRFC while mitigating, to the degree possible, the adverse effects to the fishing community. The vote of the Council, and comments by the state Council representatives, in particular, reflect their concurrence with NMFS's conclusion. The Temporary Rule for Emergency Action to implement the 2006 annual management measures for the west coast ocean salmon fisheries covers the area from Cape Falcon, Oregon, to Point Sur, California.

Management Measures for 2006 Fisheries

The Council-recommended ocean harvest levels and management measures for 2006 fisheries are designed to apportion the burden of protecting the weak stocks identified and discussed in PRE I equitably among ocean fisheries and to allow maximum harvest of natural and hatchery runs surplus to inside fishery and spawning needs. NMFS finds the Council's recommendations responsive to the goals of the Salmon FMP as amended by the emergency modification to the KRFC escapement floor, the requirements of the resource, and the socio-economic factors affecting resource users. The recommendations are consistent with the requirements of the Magnuson-Stevens Act, U.S. obligations to Indian tribes with Federally recognized fishing rights, and U.S. international obligations regarding Pacific salmon. Accordingly, NMFS has adopted them.

North of Cape Falcon the 2006 management measures have a slightly lower Chinook quota and substantially lower coho quota relative to the 2005 season. The total allowable catch for 2006 is 65,000 Chinook and 80,000 marked hatchery coho; these fisheries are restricted to protect depressed Lower Columbia River wild coho,

Lower Columbia River Chinook, Washington coastal coho, Puget Sound coho, OCN coho, Interior Fraser River coho, Puget Sound Chinook, and Snake River fall Chinook. Washington coastal and Puget Sound Chinook generally migrate to the far north and are not greatly affected by ocean harvests from Cape Falcon, OR, to the U.S.-Canada border. Nevertheless, ocean fisheries in combination with fisheries inside Puget Sound were restricted in order to meet ESA related conservation objectives for Puget Sound Chinook. North of Cape Alava, WA, the Council recommends a provision prohibiting retention of chum salmon during August and September to protect ESA listed Hood Canal summer chum. The Council has recommended such a prohibition for the last five years.

South of Cape Falcon, OR, Chinook fisheries off Oregon and California were dramatically reduced or closed because of concerns regarding KRFC's weak status. The retention of coho is prohibited, except for a recreational selective fishery off Oregon with a 20,000-fish quota of marked hatchery coho. This is the third year the selective fishery includes the southern coastal area off Oregon. The Council's recommendations are below the 15-percent exploitation rate permitted under Amendment 13 to protect OCN coho stocks, with an expected 9.6-percent OCN coho exploitation rate. The expected ocean exploitation rate for Rogue/Klamath coho is 5.2 percent, and is also below its exploitation rate limit of 13.0 percent.

Treaty Indian Fisheries for 2005

The treaty-Indian commercial troll fishery quota is 42,200 Chinook in ocean management areas and Washington State Statistical Area 4B combined. This quota is slightly lower than the 48,000-Chinook quota in 2005. The fisheries include a

Chinook-directed fishery in May and June (under a quota of 22,700 Chinook) and an all-salmon season beginning in July with a 19,500 Chinook sub-quota. The coho quota for the treaty-Indian troll fishery in ocean management areas, including Washington State Statistical Area 4B for the July-September period is 37,500 coho, a decrease from the 50,000-coho quota in 2005.

Management Measures for 2007 Fisheries

The timing of the March and April Council meetings makes it impracticable for the Council to recommend fishing seasons that begin before May 1 of the same year. Therefore, the 2007 fishing seasons opening earlier than May 1 are also established in this action. The Council recommended, and NMFS concurs, that the recreational seasons off California from Horse Mountain to the U.S.-Mexico Border and off Oregon from Cape Falcon to Humbug Mountain, and the commercial troll seasons off California from Horse Mountain to Point Arena and off Oregon from Cape Falcon to the Oregon-California Border, will open in 2007 as indicated in the Season Description section. At the March 2007 meeting, the Council may consider inseason recommendations to adjust the commercial seasons that open prior to May 1.

Inseason Actions

The following sections set out the management regime for the salmon fishery. Open seasons and days are described in Sections 1, 2, and 3 of the 2006 management measures. Inseason closures in the commercial and recreational fisheries are announced on the NMFS hotline and through the U.S. Coast Guard Notice to Mariners as described in Section 6. Other inseason adjustments to management measures are also announced on the hotline and through the Notice to Mariners. Inseason actions

will also be published in the Federal Register as soon as practicable.

The following are the management measures recommended by the Council and approved and implemented here for 2006 and, as specified, for 2007.

Section 1. Commercial Management Measures for 2006 Ocean Salmon Fisheries

Note: This section contains restrictions in parts A, B, and C that must be followed for lawful participation in the fishery. Each fishing area identified in part A specifies the fishing area by geographic boundaries from north to south, the open seasons for the area, the salmon species allowed to be caught during the seasons, and any other special restrictions effective in the area. Part B specifies minimum size limits. Part C specifies special requirements, definitions, restrictions and exceptions.

A. Season Description

North of Cape Falcon, OR

U.S.-Canada Border to Cape Falcon

May 1 through earlier of June 30 or a 22,450 Chinook quota. Open May 1-2 with a 75 Chinook per vessel landing and possession limit for the two-day open period; beginning May 6, open Saturday through Tuesday with an 80 Chinook per vessel possession and landing limit for each four-day open period. If insufficient quota remains to prosecute openings prior to the June 24-27 open period, the remaining quota will be provided for a June 27-30 open period with a per vessel landing and possession limit to be determined inseason. All salmon except coho (C.7). Cape Flattery and Columbia Control Zones closed (C.5). See gear restrictions and definitions (C.2, C.3). Vessels must land and deliver their fish within 24 hours of any closure of this fishery. Under

state law, vessels must report their catch on a state fish receiving ticket. Vessels fishing north of Leadbetter Point must land and deliver their fish within the area and north of Leadbetter Point. Vessels fishing south of Leadbetter Point must land and deliver their fish within the area and south of Leadbetter Point, except that Oregon permitted vessels may also land their fish in Garibaldi, OR. Oregon State regulations require all fishers landing salmon into Oregon from any fishery between Leadbetter Point, WA, and Cape Falcon, OR, must notify Oregon Department of Fish and Wildlife (ODFW) within one hour of delivery or prior to transport away from the port of landing by calling 541-867-0300 Ext. 271. Notification shall include vessel name and number, number of salmon by species, port of landing and location of delivery, and estimated time of delivery. Inseason actions may modify harvest guidelines in later fisheries to achieve or prevent exceeding the overall allowable troll harvest impacts (C.8).

July 15 through earlier of September 15 or a 11,550 preseason Chinook guideline (C.8) or a 6,800 marked coho quota (C.8.d). Cape Flattery and Columbia Control Zones closed (C.5). Open Saturday through Tuesday July 15 through August 1. All salmon; landing and possession limit of 35 Chinook and 35 marked coho per vessel per four day open period (C.2, C.3). Open August 5 through September 15; Saturday through Monday. All salmon except no chum retention north of Cape Alava, WA, in August and September (C.7); landing and possession limit of 30 Chinook and 40 marked coho per vessel per three day open period. Gear restricted to plugs 6 inches (15.2 cm) or longer (C.2, C.3) Vessels must land and deliver their fish within 24 hours of any closure of this fishery. Under state law, vessels must report their catch on a state fish receiving ticket. Vessels fishing north of Leadbetter Point must land and deliver

their fish within the area and north of Leadbetter Point. Vessels fishing south of Leadbetter Point must land and deliver their fish within the area and south of Leadbetter Point, except that Oregon permitted vessels may also land their fish in Garibaldi, OR. Oregon State regulations require all fishers landing salmon into Oregon from any fishery between Leadbetter Point, WA, and Cape Falcon, OR, must notify ODFW within one hour of delivery or prior to transport away from the port of landing by calling 541-867-0300 Ext. 271. Notification shall include vessel name and number, number of salmon by species, port of landing and location of delivery, and estimated time of delivery. Inseason actions may modify harvest guidelines in later fisheries to achieve or prevent exceeding the overall allowable troll harvest impacts (C.8).

South of Cape Falcon, OR

Cape Falcon to Florence South Jetty, OR (Newport)

June 4-7, 11-14, 18-21, 25-28; July 9-11, 16-18, 23-25; August 1-3; September 17-30; October 17-31 (C.9). All salmon except coho (C.7). Landing and possession limit of 75 Chinook per vessel per calendar week (Sunday through Saturday) during June, July, and August; 50 Chinook per calendar week September and October. Chinook 28 inch (71.1 cm) total length minimum size limit (B). All vessels fishing in the area must land their fish in the State of Oregon. See gear restrictions and definitions (C.2, C.3) and Oregon State regulations for a description of special regulations at the mouth of Tillamook Bay.

In 2007, the season will open March 15 for all salmon except coho, with a 28 inch (71.1 cm) total length Chinook minimum size limit. This opening could be modified following Council review at its March 2007 meeting.

Florence South Jetty to Humbug Mountain, OR (Coos Bay)

Closed (C.9)

In 2007, the season will open March 15 for all salmon except coho, with a 28 inch (71.1 cm) total length Chinook minimum size limit. This opening could be modified following Council review at its March 2007 meeting.

Humbug Mountain to Oregon-California Border (Oregon KMZ)

Closed (C.9)

In 2007, the season will open March 15 for all salmon except coho, with a 28 inch (71.1 cm) total length Chinook minimum size limit. This opening could be modified following Council review at its March 2007 meeting.

Oregon-California Border to Humboldt South Jetty, CA (California KMZ)

Closed (C.9)

Humboldt South Jetty to Horse Mountain, CA

Closed (C.9)

Horse Mountain to Point Arena, CA (Fort Bragg)

September 1 through the earlier of September 15 or a Chinook quota of 4,000 (C.9). All salmon except coho. Landing and possession limit of 30 Chinook per vessel per day. Fish caught in the area must be landed in the area (C.1). Chinook minimum size limit 27 inches (68.6 cm) total length (B). See gear restrictions and definitions (C.2, C.3).

In 2007, the season will open March 15 for all salmon except coho, with a 27 inch (68.6 cm) total length Chinook minimum size limit (B). This opening could be modified following Council review at its March 2007 meeting.

Point Arena to Pigeon Point (San Francisco)

July 26-31; August 1-31; September 1 through the earlier of September 30 or a Chinook quota of 20,000 (C.9). All salmon except coho. Landing and possession limit of 75 Chinook per vessel per calendar week (Sunday through Saturday) during July and August; fish must be landed in an area south of Horse Mountain. In September, fish caught in the area must be landed in the area, or in an adjacent closed area, if that area has been closed for at least 96 hours (C.1). Chinook minimum size limit 28 inches (71.1 cm) total length in July and August; 27 inches (68.6 cm) total length in September (B). See gear restrictions and definitions (C.2, C.3).

Point Reyes to Point San Pedro, CA (Fall Area Target Zone)

October 2-6; 9-13. Open Monday through Friday. All salmon except coho. All fish caught in the area must be landed in the area between Point Arena and Pigeon Point (C.1). Chinook minimum size limit 26 inches (68.0 cm) total length (B). See gear restrictions and definitions (C.2, C.3).

Pigeon Point to Point Sur (Monterey)

May 1-31; July 26-31; August 1-31; September 1-30 (C.9). All salmon except coho. Landing and possession limit of 75 Chinook per vessel per calendar week (Sunday through Saturday) during May, July, and August; fish must be landed in an area south of Point Arena. In September, fish must be landed in an area south of Pigeon Point, or in an adjacent closed area, if that area has been closed for at least 96 hours (C.1). Chinook minimum size limit 28 inches (71.1 cm) total length in July and August; 27 inches (68.6 cm) total length in May and September (B). See gear restrictions and definitions (C.2, C.3).

Point Sur to U.S.-Mexico Border

May 1 through September 30 (C.9). All salmon except coho. Fish must be landed south of Pigeon Point (C.1). Chinook minimum size limit 27 inches (68.6 cm) total length in May, June, and September; 28 inches (71.1 cm) total length in July and August (B). See gear restrictions and definitions (C.2, C.3).

B. Minimum Size (Inches) (See C.1)

Area (when open)	Chinook		Coho		Pink
	Total Length	Head-off	Total Length	Head-off	
North of Cape Falcon, OR	28.0	21.5	16.0	12.0	None
Cape Falcon to OR-CA Border	28.0	21.5	-	-	None
OR-CA Border to Horse Mountain, CA	-	-	-	-	None
Horse Mountain to Point Arena, CA	27.0	20.5	-	-	None
Pt. Arena to US-Mexico Border					
Prior to July 1 and from Sept. 1-30	27.0	20.5	-	-	None
July 1 - August 31	28.0	21.5	-	-	None
October 3-14	26.0	19.5	-	-	None
Metric equivalents: 28.0 in=71.1 cm, 27.0 in=68.6 cm, 26.0 in=66.0 cm, 21.5 in=54.6 cm, 20.5 in=52.1 cm, 19.5 in=49.5 cm, 16.0 in=40.6 cm, and 12.0 in=30.5 cm.					

C. Special Requirements, Definitions, Restrictions, or Exceptions

C.1. Compliance with Minimum Size or Other Special Restrictions: All salmon on board a vessel must meet the minimum size, landing/possession limit, or other special requirements for the area being fished and the area in which they are landed if the area is open. Salmon may be landed in an area that has been closed more than 96

hours only if they meet the minimum size, landing/possession limit, or other special requirements for the area in which they were caught. Salmon may be landed in an area that has been closed less than 96 hours only if they meet the minimum size, landing/possession limit, or other special requirements for the areas in which they were caught and landed.

States may require fish landing/receiving tickets be kept on board the vessel for 90 days after landing to account for all previous salmon landings.

C.2. Gear Restrictions:

- a. Single point, single shank, barbless hooks are required in all fisheries.
- b. Cape Falcon, OR, to the Oregon-California border: No more than 4 spreads are allowed per line.
- c. Oregon-California border to U.S.-Mexico border: No more than 6 lines are allowed per vessel, and barbless circle hooks are required when fishing with bait by any means other than trolling.

C.3. Gear Definitions:

- a. Trolling defined: Fishing from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions.
- b. Troll fishing gear defined: One or more lines that drag hooks behind a moving fishing vessel. In that portion of the fishery management area (FMA) off Oregon and Washington, the line or lines must be affixed to the vessel and must not be intentionally disengaged from the vessel at any time during the fishing operation.
- c. Spread defined: A single leader connected to an individual lure or bait.

d. Circle hook defined: A hook with a generally circular shape and a point which turns inward, pointing directly to the shank at a 90° angle.

C.4. Transit Through Closed Areas with Salmon on Board: It is unlawful for a vessel to have troll or recreational gear in the water while transiting any area closed to fishing for a certain species of salmon, while possessing that species of salmon; however, fishing for species other than salmon is not prohibited if the area is open for such species and no salmon for which the area is closed are in possession.

C.5. Control Zone Definitions:

a. Cape Flattery Control Zone: The area from Cape Flattery, WA (48°23'00" N. lat.), to the northern boundary of the U.S. EEZ; and the area from Cape Flattery, WA, south to Cape Alava, WA (48°10'00" N. lat.), and east of 125°05'00" W. long.

b. Columbia Control Zone: An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09' N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" W. long. to its intersection with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°15'48" N. lat., 124°05'20" W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

c. Klamath Control Zone: The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately 6 nautical miles (11.1 km) north of the Klamath River mouth); on the west, by 124°23'00" W. long. (approximately 12 nautical miles (22.2 km) off shore); and, on the south, by 41°26'48" N. lat. (approximately 6 nautical miles (11.1 km) south of the Klamath River mouth).

C.6. Notification When Unsafe Conditions Prevent Compliance with Regulations:

If prevented by unsafe weather conditions or mechanical problems from meeting special management area landing restrictions, vessels must notify the U.S. Coast Guard and receive acknowledgment of such notification prior to leaving the area. This notification shall include the name of the vessel, port where delivery will be made, approximate amount of salmon (by species) on board and the estimated time of arrival.

C.7. Incidental Halibut Harvest: During authorized periods, the operator of a vessel that has been issued an incidental halibut harvest license may retain Pacific halibut caught incidentally in Area 2A while trolling for salmon. Halibut retained must be no less than 32 inches (81.3 cm) in total length, measured from the tip of the lower jaw with the mouth closed to the extreme end of the middle of the tail, and must be landed with the head on. License applications for incidental harvest must be obtained from the International Pacific Halibut Commission (IPHC)(phone 206-634-1838). Applicants must apply prior to April 1 of each year. Incidental harvest is authorized only during May-June troll seasons and after June 30 if quota remains and if announced on the NMFS hotline (phone 800-662-9825). ODFW and Washington Department of Fish and Wildlife (WDFW) will monitor landings. If the landings are projected to exceed the 41,464-lb. (18.8-mt) preseason allocation or the total Area 2A non-Indian commercial

halibut allocation, NMFS will take inseason action to close the incidental halibut fishery.

Beginning May 1, license holders may land no more than 1 Pacific halibut per each 3 Chinook, except 1 Pacific halibut may be landed without meeting the ratio requirement, and no more than 35 halibut may be landed per trip. Pacific halibut retained must be no less than 32 inches (81.3 cm) in total length (with head on).

A "C-shaped" yelloweye rockfish conservation area is an area to be avoided for salmon trolling. NMFS and the Council request salmon trollers voluntarily avoid this area in order to protect yelloweye rockfish. The area boundary is defined in the Council Halibut Catch Sharing Plan in the North Coast subarea (Washington marine area 3), by straight lines connecting the following coordinates in the order listed:

48°18' N. lat.; 125°18' W. long;

48°18' N. lat.; 124°59' W. long;

48°11' N. lat.; 124°59' W. long;

48°11' N. lat.; 125°11' W. long;

48°04' N. lat.; 125°11' W. long;

48°04' N. lat.; 124°59' W. long;

48°00' N. lat.; 124°59' W. long;

48°00' N. lat.; 125°18' W. long;

and connecting back to 48°18' N. lat.; 125°18' W. long.

C.8. Inseason Management: In addition to standard inseason actions or modifications already noted under the season description, the following inseason guidance is provided to NMFS:

a. Chinook remaining from the May through June non-Indian commercial troll harvest guideline north of Cape Falcon, OR, may be transferred to the July through September harvest guideline on a fishery impact equivalent basis.

b. NMFS may transfer fish between the recreational and commercial fisheries north of Cape Falcon, OR, if there is agreement among the areas' representatives on the Salmon Advisory Subpanel.

c. At the March 2007 meeting, the Council will consider inseason recommendations for special regulations for any experimental fisheries (proposals must meet Council protocol and be received in November 2006).

d. If retention of unmarked coho is permitted in the area from the U.S.-Canada border to Cape Falcon, OR, by inseason action, the allowable coho quota will be adjusted to ensure preseason projected mortality of critical stocks is not exceeded.

C.9. Consistent with Council management objectives:

a. The State of Oregon may establish additional late-season, Chinook-only fisheries in state waters.

b. The State of California may establish limited fisheries in selected state waters. Check state regulations for details.

C.10. For the purposes of California Department of Fish and Game Code, Section 8232.5, the definition of the Klamath Management Zone for the ocean salmon season shall be that area from Humbug Mountain, OR, to Horse Mountain, CA.

Section 2. Recreational Management Measures for 2006 Ocean Salmon Fisheries

Note: This section contains restrictions in parts A, B, and C that must be followed for lawful participation in the fishery. Each fishing area identified in part A

specifies the fishing area by geographic boundaries from north to south, the open seasons for the area, the salmon species allowed to be caught during the seasons, and any other special restrictions effective in the area. Part B specifies minimum size limits. Part C specifies special requirements, definitions, restrictions and exceptions.

A. Season Description

North of Cape Falcon, OR

U.S.-Canada Border to Cape Alava, WA (Neah Bay Subarea)

June 30 through earlier of September 17 or a 7,058 marked coho subarea quota with a subarea guideline of 3,200 Chinook (C.6). Open Tuesday through Saturday. All salmon, except no chum retention August 1 through September 17, two fish per day, no more than one of which may be a Chinook (Chinook 24-inch (61.0 cm) total length minimum size limit)(B). All retained coho must be marked. See gear restrictions (C.2). Beginning August 1, Chinook non-retention east of the Bonilla-Tatoosh line (C.4.d) during Council managed ocean fishery. Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.4).

Cape Alava to Queets River, WA (La Push Subarea)

June 30 through earlier of September 17 or a 1,889 marked coho subarea quota with a subarea guideline of 1,300 Chinook; Open Tuesday through Saturday. September 23 through October 8 or a 50 marked coho quota or 100 Chinook quota; in the area north of 47°50'00 N. Lat. and south of 48°00'00" N. Lat. (C.5); open seven days per week (C.6). All salmon, two fish per day, no more than one of which may be a Chinook (Chinook 24-inch (61.0 cm) total length minimum size limit)(B). All retained

coho must be marked. See gear restrictions (C.2). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.4).

Queets River to Leadbetter Point, WA (Westport Subarea)

July 3 through earlier of September 17 or a 27,603 marked coho subarea quota with a subarea guideline of 18,100 Chinook (C.6). Open Sunday through Thursday. All salmon, two fish per day, no more than one of which may be a Chinook (Chinook 24-inch (61.0 cm) total length minimum size limit)(B). All retained coho must be marked. See gear restrictions and definitions (C.2, C.3). Beginning August 1, Grays Harbor Control Zone closed (C.4.b). Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).

Leadbetter Point to Cape Falcon, OR (Columbia River Subarea)

July 3 through earlier of September 30 or a 36,600 marked coho subarea quota with a subarea guideline of 8,300 Chinook (C.6). Open Sunday through Thursday. All salmon, two fish per day, no more than one of which may be a Chinook (Chinook 24-inch (61.0 cm) total length minimum size limit)(B). All retained coho must be marked with a healed adipose fin clip. See gear restrictions and definitions (C.2, C.3).

Columbia Control Zone closed (C.4.a). Closed between Cape Falcon and Tillamook Head beginning August 1. Inseason management may be used to sustain season length and keep harvest within the overall Chinook recreational TAC for north of Cape Falcon (C.5).

South of Cape Falcon, OR

Cape Falcon to Humbug Mountain, OR

Except as provided below during the selective fishery, the season will be March 15 through October 31 (C.6). All salmon except coho. Two fish per day (C.1). See gear restrictions and definitions (C.2, C.3).

Selective fishery: Cape Falcon to the Oregon-California Border. June 17 through earlier of July 31 or a landed catch of 20,000 marked coho, except that the area south of Humbug Mountain will close July 5-31, concurrent with the KMZ season listed below. If quota remains, September 1 through the earlier of September 6 or a landed catch of any remaining quota from the June 17 through July 31 fishery. Open seven days per week, all salmon, two fish per day (C.1). All retained coho must be marked with a healed adipose fin clip.

Fishing in the Stonewall Bank groundfish conservation area restricted to trolling only on days the all depth recreational halibut fishery is open (see 71 FR 10850, March 3, 2006, and call the halibut fishing hotline 1-800-662-9825 for additional dates) (C.3, C.4.e). Open days may be adjusted inseason to utilize the available quota (C.5). All salmon except coho seasons reopen the day following the closure of the mark selective coho fishery.

In 2007, the season will open March 15 for all salmon except coho, two fish per day (C.1), Chinook minimum size limit of 20 inches (50.8 cm) total length (B), and the same gear restrictions as in 2006 (C.2, C.3).

Humbug Mountain to Horse Mountain, CA (Klamath Management Zone)

Except as provided above during the selective fishery, the season will be May 15 through July 4; and September 1-6 (C.6). All salmon except coho, except as noted

above in the coho mark selective fishery. Chinook minimum size limit 24 inches (61.0 cm) total length (B). Open seven days per week, two fish per day (C.1). See gear restrictions and definitions (C.2, C.3). Klamath Control Zone closed in August (C.4.c). See California State regulations for additional closures adjacent to the Smith, Klamath, and Eel rivers.

Horse Mountain to Point Arena, CA (Fort Bragg)

February 18 through May 31; June 1-4, 7-11, 14-18, 21-25, 28-30; July 1-9, 15-16, 22-23, 26-31; August 1 through November 12 (C.6). All salmon except coho. Two fish per day (C.1). Chinook minimum size limit 20 inches (50.8 cm) total length (B). See gear restrictions and definitions (C.2, C.3).

In 2007, season opens February 17 (nearest Saturday to February 15) for all salmon except coho, two fish per day (C.1), Chinook minimum size limit of 20 inches (50.8 cm) total length (B), and the same gear restrictions as in 2006 (C.2, C.3).

Point Arena to Pigeon Point, CA (San Francisco)

April 1-30 inside 3 nm (5.6 km)(state waters only; C.6). May 1 through June 11; June 14 through July 9; July 12 through November 12 (C.6). All salmon except coho. Two fish per day (C.1). Chinook minimum size limit 20 inches (50.8 cm) total length (B). See gear restrictions and definitions (C.2, C.3).

In 2007, the season will open April 7 for all salmon except coho, two fish per day (C.1), Chinook minimum size limit of 20 inches (50.8 cm) total length (B), and the same gear restrictions as in 2006 (C.2, C.3).

Pigeon Point to Point Sur (Monterey)

April 1-30 inside 3 nm (5.6 km)(state waters only; C.6). May 1 through

September 24 (C.6). All salmon except coho. Two fish per day (C.1). Chinook minimum size limit 20 inches (50.8 cm) total length (B). See gear restrictions and definitions (C.2, C.3).

In 2007, the season will open April 7 for all salmon except coho, two fish per day (C.1), Chinook minimum size limit of 20 inches (50.8 cm) total length (B), and the same gear restrictions as in 2006 (C.2, C.3).

Point Sur to U.S.-Mexico Border

April 1 through September 24 (C.6). All salmon except coho. Two fish per day (C.1). Chinook minimum size limit 20 inches (50.8 cm) total length (B). See gear restrictions and definitions (C.2, C.3).

In 2007, the season will open April 7 for all salmon except coho, two fish per day (C.1), Chinook minimum size limit of 20 inches (50.8 cm) total length (B), and the same gear restrictions as in 2006 (C.2, C.3).

B. Minimum Size (Total Length in Inches) (See C.1)

Area (when open)	Chinook	Coho	Pink
North of Cape Falcon. OR	24.0	16.0	None
Cape Falcon to Humbug Mt., CA	20.0	16.0	None
Humbug Mt. to Horse Mt., CA	24.0	-	None, except 20.0 off CA
Horse Mt. to U.S.-Mexico Border	20.0	-	20.0

Metric equivalents: 24.0 in=61.0 cm, 20.0 in=50.8 cm, 16.0 in=40.6 cm.

C. Special Requirements, Definitions, Restrictions, or Exceptions

C.1. Compliance with Minimum Size and Other Special Restrictions: All salmon on board a vessel must meet the minimum size or other special requirements for the

area being fished, and the area in which they are landed if that area is open. Salmon may be landed in an area that is closed only if they meet the minimum size or other special requirements for the area in which they were caught.

Ocean Boat Limits: Off the coast of Washington, Oregon, and California, each fisher aboard a vessel may continue to use angling gear until the combined daily limits of salmon for all licensed and juvenile anglers aboard has been attained (additional state restrictions may apply).

C.2. Gear Restrictions: All persons fishing for salmon, and all persons fishing from a boat with salmon on board must meet the gear restrictions listed below for specific areas or seasons.

a. U.S.-Canada Border to Point Conception, CA: No more than one rod may be used per angler; and single point, single shank barbless hooks are required for all fishing gear. Note: ODFW regulations in the state-water fishery off Tillamook Bay, OR, may allow the use of barbed hooks to be consistent with inside regulations.

b. Cape Falcon, OR, to Point Conception, CA: Anglers must use no more than 2 single point, single shank, barbless hooks.

c. Horse Mountain to Point Conception, CA: Single point, single shank, barbless circle hooks (see circle hook definition below) must be used if angling with bait by any means other than trolling and no more than 2 such hooks shall be used. When angling with 2 hooks, the distance between the hooks must not exceed 5 inches (12.7 cm) when measured from the top of the eye of the top hook to the inner base of the curve of the lower hook, and both hooks must be permanently tied in place (hard tied). Circle hooks are not required when artificial lures are used without bait.

C.3. Gear Definitions:

a. Recreational fishing gear defined: Angling tackle consisting of a line with no more than one artificial lure or natural bait attached. Off Oregon and Washington, the line must be attached to a rod and reel held by hand or closely attended; the rod and reel must be held by hand while playing a hooked fish. No person may use more than one rod and line while fishing off Oregon or Washington. Off California, the line must be attached to a rod and reel held by hand or closely attended. Weights directly attached to a line may not exceed four pounds (1.8 kg). While fishing off California north of Point Conception, no person fishing for salmon, and no person fishing from a boat with salmon on board, may use more than one rod and line. Fishing includes any activity which can reasonably be expected to result in the catching, taking, or harvesting of fish.

b. Circle hook defined: A hook with a generally circular shape and a point which turns inward, pointing directly to the shank at a 90° angle.

c. Trolling defined: Angling from a boat or floating device that is making way by means of a source of power, other than drifting by means of the prevailing water current or weather conditions.

C.4. Control Zone Definitions:

a. Columbia Control Zone: An area at the Columbia River mouth, bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N. lat., 124°06'50" W. long.) and the green lighted Buoy #7 (46°15'09" N. lat., 124°06'16" W. long.); on the east, by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N. lat., 124°03'07" W. long. to its intersection

with the north jetty; on the north, by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°15'48" N. lat., 124°05'20" W. long.) and then along the north jetty to the point of intersection with the Buoy #10 line; and, on the south, by a line running northeast/southwest between the red lighted Buoy #4 and tip of the south jetty (46°14'03" N. lat., 124°04'05" W. long.), and then along the south jetty to the point of intersection with the Buoy #10 line.

b. Grays Harbor Control Zone: The area defined by a line drawn from the Westport Lighthouse (46°53'18" N. lat., 124°07'01" W. long.) to Buoy #2 (46°52'42" N. lat., 124°12'42" W. long.) to Buoy #3 (46°55'00" N. lat., 124°14'48" W. long.) to the Grays Harbor north jetty (46°36'00" N. lat., 124°10'51" W. long.).

c. Klamath Control Zone: The ocean area at the Klamath River mouth bounded on the north by 41°38'48" N. lat. (approximately 6 nautical miles (11.1 km) north of the Klamath River mouth); on the west, by 124°23'00" W. long. (approximately 12 nautical miles (22.2 km) off shore); and, on the south, by 41°26'48" N. lat. (approximately 6 nautical miles (11.1 km) south of the Klamath River mouth).

d. Bonilla-Tatoosh Line: Defined as a line running from the western end of Cape Flattery, WA, to Tatoosh Island Lighthouse (48°23'30" N. lat., 124°44'12" W. long.) to the buoy adjacent to Duntze Rock (48°28'00" N. lat., 124°45'00" W. long.), then in a straight line to Bonilla Point (48°35'30" N. lat., 124°43'00" W. long.) on Vancouver Island, B.C.

e. Stonewall Bank Groundfish Conservation Area: The area defined by the following coordinates in the order listed:

44°37.46 N. lat.; 124°24.92 W. long.;

44°37.46 N. lat.; 124°23.63 W. long.;

44°28.71 N. lat.; 124°21.80 W. long.;

44°28.71 N. lat.; 124°24.10 W. long.;

44°31.42 N. lat.; 124°25.47 W. long.;

and connecting back to 44°37.46 N. lat.; 124°24.92 W. long.

C.5. Inseason Management: Regulatory modifications may become necessary inseason to meet preseason management objectives such as quotas, harvest guidelines, and season duration. In addition to standard inseason actions or modifications already noted under the season description, the following inseason guidance is provided to NMFS:

a. Actions could include modifications to bag limits, or days open to fishing, and extensions or reductions in areas open to fishing.

b. Coho may be transferred inseason among recreational subareas north of Cape Falcon on an impact neutral basis to help meet the recreational season duration objectives (for each subarea) after conferring with representatives of the affected ports and the Council's Salmon Advisory Subpanel (SAS) recreational representatives north of Cape Falcon.

c. Chinook and coho may be transferred between the recreational and commercial fisheries north of Cape Falcon on an impact neutral basis if there is agreement among the representatives of the SAS.

d. If retention of unmarked coho is permitted in the area from the U.S.-Canada

border to Cape Falcon, OR, by inseason action, the allowable coho quota will be adjusted to ensure preseason projected mortality of critical stocks is not exceeded.

C.6. Additional Seasons in State Waters: Consistent with Council management objectives, the States of Washington, Oregon, and California may establish limited seasons in state waters. Oregon State-water fisheries are limited to Chinook salmon. Check state regulations for details.

Section 3. Treaty Indian Management Measures for 2006 Ocean Salmon Fisheries

Note: This section contains restrictions in parts A, B, and C which must be followed for lawful participation in the fishery.

A. Season Descriptions

U.S.-Canada Border to Cape Falcon, OR

May 1 through the earlier of June 30 or a 22,700 Chinook quota. All salmon except coho. If the Chinook quota for the May-June fishery is not fully utilized, the excess fish cannot be transferred into the later all-salmon season. If the Chinook quota is exceeded, the excess will be deducted from the later all-salmon season. See size limit (B) and other restrictions (C).

July 1 through the earlier of September 15, or a 19,500 preseason Chinook quota, or a 37,500 coho quota. All salmon. See size limit (B) and other restrictions (C).

B. Minimum Size (Inches)

Area (when open) and Fishery	Chinook		Coho		Pink
	Total Length	Head-off	Total Length	Head-off	
North of Cape Falcon, OR					

Commercial	24.0	18.0	16.0	12.0	None
Ceremonial and Subsistence	None	None	None	None	None

Metric equivalents: 24.0 in=61.0 cm, 18.0 in=45.7 cm, 16.0in=40.6 cm, and 12.0 in=30.5 cm.

C. Special Requirements, Restrictions, and Exceptions

C.1 Tribe and Area Boundaries: All boundaries may be changed to include such other areas as may hereafter be authorized by a Federal court for that tribe's treaty fishery.

MAKAH - Washington State Statistical Area 4B and that portion of the FMA north of 48°02'15" N. lat. (Norwegian Memorial) and east of 125°44'00" W. long.

QUILEUTE - That portion of the FMA between 48°07'36" N. lat. (Sand Point) and 47°31'42" N. lat. (Queets River) and east of 125°44'00" W. long.

HOH - That portion of the FMA between 47°54'18" N. lat. (Quillayute River) and 47°21'00" N. lat. (Quinault River) and east of 125°44'00" W. long.

QUINAULT - That portion of the FMA between 47°40'06" N. lat. (Destruction Island) and 46°53'18"N. lat. (Point Chehalis) and east of 125°44'00" W. long.

C.2 Gear restrictions:

- a. Single point, single shank, barbless hooks are required in all fisheries.
- b. No more than 8 fixed lines per boat.
- c. No more than four hand held lines per person in the Makah area fishery (Washington State Statistical Area 4B and that portion of the FMA north of 48 02'15" N. lat. (Norwegian Memorial) and east of 125 44'00" W. long.)

C.3 Quotas:

- a. The quotas include troll catches by the S'Klallam and Makah tribes in Washington State Statistical Area 4B from May 1 through September 15.
- b. The Makah encounter rate study will occur between May 1 and September 15. Salmon taken in the study by treaty Indian vessels will be counted towards the overall treaty Indian troll quota.
- c. The Quileute Tribe will continue a ceremonial and subsistence fishery during the time frame of September 15 through October 15 in the same manner as in 2004 and 2005. Fish taken during this fishery are to be counted against treaty troll quotas established for the 2006 season (estimated harvest during the October ceremonial and subsistence fishery: 100 Chinook; 200 coho).

C.4 Area Closures:

- a. The area within a 6-nautical mile (11.1-km) radius of the mouths of the Queets River, WA (47°31'42" N. lat.) and the Hoh River, WA (47°45'12" N. lat.) will be closed to commercial fishing.
- b. A closure within 2-nautical miles (3.7 km) of the mouth of the Quinault River, WA (47°21'00" N. lat.) may be enacted by the Quinault Nation and/or the State of Washington and will not adversely affect the Secretary of Commerce's management regime.

Section 4. Halibut Retention

Under the authority of the Northern Pacific Halibut Act, NMFS promulgated regulations governing the Pacific halibut fishery which appear at 50 CFR part 300, subpart E. On March 3, 2006, NMFS published a final rule (71 FR 10850) to implement the International Pacific Halibut Commission's (IPHC) recommendations, to announce

fishery regulations for U.S. waters off Alaska and fishery regulations for treaty commercial and ceremonial and subsistence fisheries, some regulations for non-treaty commercial fisheries for U.S. waters off the West Coast, and approval of and implement the Area 2A Pacific halibut Catch Sharing Plan and the Area 2A management measures for 2006. The regulations and management measures provide that vessels participating in the salmon troll fishery in Area 2A (all waters off the States of Washington, Oregon, and California), which have obtained the appropriate IPHC license, may retain halibut caught incidentally during authorized periods in conformance with provisions published with the annual salmon management measures. A salmon troller may participate in the halibut incidental catch fishery during the salmon troll season or in the directed commercial fishery targeting halibut, but not both.

The following measures have been approved by the IPHC, and implemented by NMFS. The operator of a vessel who has been issued an incidental halibut harvest license by the IPHC may retain Pacific halibut caught incidentally in Area 2A, during authorized periods, while trolling for salmon. Incidental harvest is authorized only during the May and June troll seasons. It is also authorized after June 30 if halibut quota remains and if halibut retention is announced on the NMFS hotline (phone 800-662-9825). License holders may land no more than 1 halibut per each 3 Chinook, except 1 halibut may be landed without meeting the ratio requirement, and no more than 35 halibut may be landed per trip. Halibut retained must meet the minimum size limit of 32 inches (81.3 cm) total length (with head on). The ODFW and WDFW will monitor landings and, if they are projected to exceed the 41,464-lb. (18.8-mt) salmon troll allocation or the Area 2A non-Indian commercial total allowable catch of halibut,

NMFS will take inseason action to close the incidental halibut fishery. License applications for incidental harvest must be obtained from the IPHC. Applicants must apply prior to April 1 of each year.

NMFS and the Council request that salmon trollers voluntarily avoid a "C-shaped" yelloweye rockfish conservation area in order to protect yelloweye rockfish. The area is defined in the Pacific Council Halibut Catch Sharing Plan in the North Coast subarea (WA marine area 3)(See Section 1.C.7. for the coordinates).

Section 5. Geographical Landmarks

Wherever the words "nautical miles off shore" are used in this document, the distance is measured from the baseline from which the territorial sea is measured.

Geographical landmarks referenced in this document are at the following locations:

Cape Flattery, WA.....	48°23'00" N. lat.
Cape Alava, WA.....	48°10'00" N. lat.
Queets River, WA.....	47°31'42" N. lat.
Leadbetter Point, WA.....	46°38'10" N. lat.
Cape Falcon, OR.....	45°46'00" N. lat.
Florence South Jetty, OR.....	44°00'54" N. lat.
Humbug Mountain, OR.....	42°40'30" N. lat.
Oregon-California Border.....	42°00'00" N. lat.
Humboldt South Jetty, CA.....	40°45'53" N. lat.
Horse Mountain, CA.....	40°05'00" N. lat.

Point Arena, CA.....38°57'30" N. lat.
Point Reyes, CA.....37°59'44" N. lat.
Point San Pedro, CA.....37°35'40" N. lat.
Pigeon Point, CA.....37°11'00" N. lat.
Point Sur, CA.....36°18'00" N. lat.
Point Conception, CA.....34°27'00" N. lat.

Section 6. Inseason Notice Procedures

Actual notice of inseason management actions will be provided by a telephone hotline administered by the Northwest Region, NMFS, 206-526-6667 or 800-662-9825, and by U.S. Coast Guard Notice to Mariners broadcasts. These broadcasts are announced on Channel 16 VHF-FM and 2182 KHz at frequent intervals. The announcements designate the channel or frequency over which the Notice to Mariners will be immediately broadcast. Inseason actions will also be filed with the Federal Register as soon as practicable. Since provisions of these management measures may be altered by inseason actions, fishermen should monitor either the telephone hotline or Coast Guard broadcasts for current information for the area in which they are fishing.

Classification

This notification of annual management measures is exempt from review under Executive Order 12866.

The Assistant Administrator has determined that the measures described in the preamble that deviate from the framework FMP and its implementing regulations are necessary to respond to an emergency situation and are consistent with the Magnuson-

Stevens Act and other applicable law. The measures falling under emergency authority of section 305(c) of the Magnuson-Stevens Act (emergency rule) involve an overall ocean harvest rate on Klamath River fall Chinook that will result in a projected Klamath fall Chinook spawning escapement of 21,100, below the floor of 35,000 naturally spawning adults. Therefore, it is necessary to amend those portions of the framework FMP and its implementing regulations by emergency action pursuant to 16 U.S.C. 1855(c).

The provisions of 50 CFR 660.411 state that if, for good cause, an action must be filed without affording a prior opportunity for public comment, the measures will become effective; however, public comments on the action will be received for a period of 15 days after the date of publication in the Federal Register. NMFS will receive public comments on this action until [insert date 15 days after date of publication in the FEDERAL REGISTER]. These regulations are being promulgated under the authority of 16 U.S.C. 1855(c) and (d).

The Assistant Administrator for Fisheries, NOAA (AA) finds good cause under 5 U.S.C. 553(b)(B), to waive the requirement for prior notice and opportunity for public comment, as such procedures are impracticable.

The annual salmon management cycle begins May 1 and continues through April 30 of the following year. May 1 was chosen because the pre-May harvests constitute a relatively small portion of the annual catch. The time-frame of the preseason process for determining the annual modifications to ocean salmon fishery management measures depends on when the pertinent biological data are available. Salmon stocks are managed to meet annual spawning escapement goals or specific exploitation rates.

Achieving either of these objectives requires designing management measures that are appropriate for the ocean abundance predicted for that year. These pre-season abundance forecasts, which are derived from the previous year's observed spawning escapement, vary substantially from year to year, and are not available until January and February because spawning escapement continues through the fall.

The preseason planning and public review process associated with developing Council recommendations is initiated in February as soon as the forecast information becomes available. The public planning process requires coordination of management actions of four states, numerous Indian tribes, and the Federal Government, all of which have management authority over the stocks. This complex process includes the affected user groups, as well as the general public. The process is compressed into a 2-month period which culminates at the April Council meeting at which the Council adopts a recommendation that is forwarded to NMFS for review, approval and implementation of fishing regulations effective on May 1.

Providing opportunity for prior notice and public comments on the Council's recommended measures through a proposed and final rulemaking process would require 30 to 60 days in addition to the 2-month period required for development of the regulations. Delaying implementation of annual fishing regulations, which are based on the current stock abundance projections, for an additional 60 days would require that fishing regulations for May and June be set in the previous year without knowledge of current stock status. Although this is currently done for fisheries opening prior to May, relatively little harvest occurs during that period (e.g., in 2005 less than 10 percent of commercial and recreational harvest occurred prior to May 1). Allowing the much more

substantial harvest levels normally associated with the May and June seasons to be regulated in a similar way would impair NMFS' ability to protect weak and ESA listed stocks and provide harvest opportunity where appropriate.

Overall, the annual population dynamics of the various salmon stocks require managers to vary the season structure of the various West Coast area fisheries to both protect weaker stocks and give fishers access to stronger salmon stocks, particularly hatchery produced fish. Failure to implement these measures immediately could compromise the status of certain stocks, or result in foregone opportunity to harvest stocks whose abundance has increased relative to the previous year thereby undermining the purpose of this agency action. For example, the 2006 forecast ocean abundance for KRFC requires closing the commercial seasons from Cape Falcon to Humbug Mountain, OR, in May, where these areas were open in May during the 2005 season. Without these, and similar restrictions in other areas in 2006, the projected KRFC natural spawning escapement would be even lower, which would increase the risk of jeopardizing the capacity of the fishery to produce maximum sustained yield on a continuing basis. In addition, in the commercial fishery north of Cape Falcon, the fishing periods are shorter and the landing and possession limits are lower in May in 2006 than they were in 2005 in order to protect LCR coho and Chinook stocks. Based upon the above-described need to have these measures effective on May 1 and the fact that there is limited time available to implement these new measures after the final Council meeting in April and before the commencement of the ocean salmon fishing year on May 1, NMFS has concluded it is impracticable to provide an opportunity for prior notice and public comment under 5 U.S.C. 553(b)(B).

The AA also finds that good cause exists under 5 U.S.C. 553(d)(3), to waive the 30-day delay in effectiveness of this final rule. As previously discussed, data are not available until February and management measures not finalized until early April. These measures are essential to conserve threatened and endangered ocean salmon stocks, and to provide for harvest of more abundant stocks. If these measures are not in place on May 1, the previous year's management measures will continue to apply. Failure to implement these measures immediately could compromise the status of certain stocks, such as the KRFC, and negatively impact international, state, and tribal salmon fisheries, thereby undermining the purposes of this agency action.

To enhance notification of the fishing industry of these new measures, NMFS is announcing the new measures over the telephone hotline used for inseason management actions and is also posting the regulations on both of its West Coast regional websites at www.nwr.noaa.gov and swr.nmfs.noaa.gov. NMFS is also advising the States of Washington, Oregon, and California on the new management measures. These states announce the seasons for applicable state and Federal fisheries through their own public notification systems.

This action contains collection-of-information requirements subject to the Paperwork Reduction Act (PRA), and which have been approved by OMB under Control Number 0648-0433. The public reporting burden for providing notifications if landing area restrictions cannot be met, or to obtain temporary mooring in Brookings, OR, is estimated to average 15 minutes per response. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send

comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS and OMB (see ADDRESSES).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

Since 1989, NMFS has listed 27 ESUs of salmonids on the West Coast. As the listings have occurred, NMFS has conducted formal ESA section 7 consultations and issued biological opinions, and made determinations under section 4(d) of the ESA (Table 1), that consider the impacts to listed salmonid species resulting from proposed implementation of the Salmon FMP, or in some cases, from proposed implementation of the annual management measures.

Table 1. NMFS' Endangered Species Act consultations and section 4(d) determinations related to ocean fisheries implemented under the Salmon FMP and duration of the proposed action covered by each.

Date	Evolutionarily Significant Unit covered and effective period
March 8, 1996	Snake River Chinook and sockeye (until reinitiated)
April 28, 1999	Oregon coast coho, S. Oregon/ N. California coast coho, Central California coast coho (until reinitiated)
April 28, 2000	Central Valley spring Chinook and California coast Chinook (until reinitiated) Hood Canal summer chum 4(d) limit and associated biological opinion (until reinitiated). Upper Willamette River Chinook, Upper Columbia River spring Chinook, Ozette Lake sockeye, ten steelhead ESUs, Columbia River chum (until reinitiated).
April 27, 2001	
April 30, 2001	
April 27, 2004	Sacramento River winter Chinook (until 2010)
April 29, 2004	Puget Sound Chinook and Lower Columbia River Chinook (until reinitiated)
April 27, 2006	Lower Columbia River coho (April 30, 2007)

Associated with the biological opinions are incidental take statements that specify the level of take that is expected. Some of the biological opinions have concluded that implementation of the Salmon FMP is not likely to jeopardize the continued existence of certain listed salmonid ESUs and provide incidental take statements. Other biological opinions have found that implementation of the Salmon FMP is likely to jeopardize certain listed ESUs and have identified reasonable and prudent alternatives (consultation standards) that would avoid the likelihood of jeopardizing the continued existence of the ESU under consideration, and provided an incidental take statement for the reasonable and prudent alternative.

In a March 6, 2006, letter to the Council, NMFS provided the Council with ESA consultation standards and guidance for the management of stocks listed under the ESA. These management measures are consistent with the biological opinions that find no jeopardy, with the reasonable and prudent alternatives in the jeopardy biological opinions, and with the terms of the state and Tribal RMPs.

Southern resident killer whales were recently listed as endangered under the ESA effective February 16, 2006. NMFS has initiated a Section 7 consultation regarding the effects of Council salmon fisheries on southern resident killer whales. NMFS expects to complete a ESA section 7 consultation by June 2006. In the event that the review suggests that further constraints in the 2006 fisheries are necessary, appropriate corrections will be made by NMFS through inseason action.

Authority: 16 U.S.C. 773-773k; 1801 et seq.

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, Fisheries, Fishing,
Indians.

Dated:

For the reasons set out in the preamble, 50 CFR part 660 is
amended as follows:

PART 660--FISHERIES OFF WEST COAST STATES

1. The authority citation for part 660 continues to read as
follows:

Authority: 16 U.S.C. 1801 et seq.

2. In § 660.410, paragraphs (a) and (b)(1) are suspended
and paragraphs (b)(4) and (d) are added to read as follows:

§ 660.410 Conservation objectives.

* * * * *

(b) * * *

(4) A comprehensive technical review of the best scientific
information available provides conclusive evidence that, in the
view of the Council, the Scientific and Statistical Committee,
and the Salmon Technical Team, justifies modification of a

conservation objective.

* * * * *

(d) The conservation objectives are summarized in Table 3-1 of the Pacific Coast Salmon Plan, except that in 2006, the Klamath River fall Chinook will not be managed to meet the spawning escapement floor. Klamath River fall Chinook will be managed to protect its long-term productivity.